

1 Hon. Thomas S. Zilly
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07-CV-00657-CLM

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TINA HENDRIX,

Plaintiff,

vs.

SEATTLE HOUSING AUTHORITY and TOM
TIERNEY, Executive Director of the Seattle
Housing Authority, in his Official Capacity

Defendants.

No. C07-657 TSZ

STIPULATED ORDER FOR
DISMISSAL OF U.S. DEPARTMENT
OF HOUSING & URBAN
DEVELOPMENT

~~(PROPOSED)~~

I. Stipulation

Plaintiff Tina Hendrix, Defendant Seattle Housing Authority, and Defendant Tom Tierney, by counsel, agree that:

1. The Court, by Minute Order dated May 16, 2008, has instructed either the Plaintiff or the Defendants to, within thirty (30) days, make the U.S. Department of Housing & Urban Development (HUD) a party to this action, either by an amended complaint (Plaintiff) naming HUD as a defendant or by a third-party complaint (Defendants) impleading HUD;

2. As of now, however, neither the Plaintiff nor the Defendants have filed or served any amended complaint or third-party complaint upon HUD, nor has the time in which to do so

1 expired, nor has HUD filed any Notice of Appearance or other pleading; therefore, the only
2 parties who have appeared in this action to date are Plaintiff Tina Hendrix, Defendant Seattle
3 Housing Authority, and Defendant Tom Tierney;

4 3. Despite the Court's Minute Order of May 16, 2008, the present parties have
5 reached a Consent Order that, if approved by the Court, would fully resolve the pending action
6 without requiring HUD participation or otherwise affecting HUD;

7 4. Therefore, Plaintiff Tina Hendrix, Defendant Seattle Housing Authority, and
8 Defendant Tom Tierney have agreed to request an order dismissing HUD from the action;

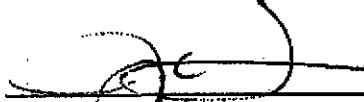
9 5. Although Fed.R.Civ.P. 41(a)(ii) would ordinarily authorize the existing parties to
10 dismiss HUD without a court order, it is desirable that the Court enter an order to effectuate a
11 dismissal of HUD because the Court has found HUD to be a necessary party in this action;

12 6. Therefore, the Court should enter the proposed Order for Dismissal of HUD
13 pursuant to Fed.R.Civ.P. 41(a)(2).

14 Approved as to form and content by:



15
16 Eric Dunn (WSBA #36622)
Attorney for Plaintiff



17
18 James Fearn (WSBA #2959)
Attorney for Defendants

II. Order

19 This matter before the Court by stipulation of the parties and with the Court duly advised:

20 ~~Any and all claims that are or might be asserted against~~ ~~are~~
1. ~~A~~ The U.S. Department of Housing & Urban Development (HUD) ~~is~~ hereby

21 Dismissed from this action and no other party shall remain obligated to make HUD a party.

22 2. This dismissal is entered pursuant to Federal Rule of Civil Procedure 41(a)(2) and
23 is effective immediately and without prejudice.

3. This Order is entered without costs to any party.

4. Plaintiff's motion for summary judgment, docket no. 23,

2nd defendants' motion for summary judgment, docket no. 42, are STRICKEN ~~as~~ moot, in light of the foregoing stipulation and related

Dated this 5 day of June, 2008, at _____ (am / pm). Consent
Order, signed
this same day.

U.S. District Judge

Presented by:
NORTHWEST JUSTICE PROJECT

Eric Dunn, WSBA #36622
Attorney for Plaintiff

STIPULATED ORDER FOR DISMISSAL OF HUD - 3 OF 3

Northwest Justice Project
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